

## **REMARKS/ARGUMENTS**

Prior to amendment above, Claims 1-35 were pending in the present application. In the Office Action mailed November 1, 2004, Claims 1,3-6, 8-13, 16-22, 24-27, and 29-34 were rejected as allegedly being noncompliant with 35 U.S.C. §§ 112, 102, or 103. The Examiner has indicated that Claims 7, 14, 15, 23, 28, and 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 6, 8, and 25 were also indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter.

Based upon the Examiner's indication of allowable subject matter, Applicant has amended the claims accordingly. In addition, Applicant has amended the claims to remove the informalities noted by the Examiner in the Office Action. Therefore, Applicant submits that all rejections have now been overcome, and respectfully requests reconsideration of the application and passage to allowance of all amended claims.

### **Claim Objections**

The Examiner has suggested that the geometry of the back-scattering faces should be characterized by the words "spherically concave" rather than by "circular." The "faces" refer to the end faces of the individual needles. With the needles being cylindrical, it is felt that "circular" correctly describes the shape of their individual back-scattering end faces. Although the overall surface defined by the set of needles of figure 6 cooperate to define a spherically concave surface, this is not the surface meant in claim 15. Therefore, Claim 15 has not been amended to add this feature.

### **Claim Rejections under 35 USC § 112**

#### **Claims 18 and 29**

Claims 18 and 29 stand rejected for not complying with the enabling requirement. Regarding Claim 18, the claim has been amended to depend from Claim 6 and thus no longer cites the slits and openings. And with respect to Claim 29, due to the amendments directed to the "back-scattering," amended Claim 29 covers only the case of the use of an opening.

Claim 1

This rejection has been obviated due to the amendments of Claims 2, 6, and 20.

Claims 2, 6, 8, 10, 19, 24-26, 31 and 34

Amendments to Claims 2, 6, 8, 10, 19, 24-26, 31 and 34 have obviated the rejection of these claims.

**Claim Rejections under 35 USC §§ 102 and 103**

In view of the Examiner's stated reasoning for the indication of allowable subject matter, Independent Claims 2, 6, and 20 have been amended to include patentable aspects not disclosed or suggested—alone or in combination—in the cited references. Namely, Claim 2 requires a method for measuring the intensity profile of an electron beam using “a measuring structure . . . which includes at least one opening which allows the electron beam to pass through;” Claim 6 requires a method for measuring the intensity profile of an electron beam using “a measuring structure . . . which is formed by a needle;” and Claim 20 requires a method of measuring the intensity profile of an electron beam using measuring structure “in the form of a grid, wherein at least a considerable portion of the grid is impinged upon by the electron beam through the relative movement between the electron beam and the measuring structure, wherein the stream of back-scattered electrons as a function of the relative movement is converted into an image of the measuring structure and this image is compared to a reference image of the measuring structure as obtained by means of a correctly functioning optical system for an electron beam.”

All remaining claims depend directly or indirectly on Claims 2, 6, or 20 and therefore include all respective claim elements therein. Thus, Applicant respectfully submits that all dependent claims are also patentable and request their allowance.

**New Claims**

Applicant has added new Claims 36-63. All of the new claims depend directly or indirectly on the amended claims now believed to be patentable. As such, Applicant respectfully submits that new Claims 36-63 are also patentable over the cited references and requests passage to allowance of all new claims.

## CONCLUSION

As a clerical matter, Applicant submits herewith a check in the amount of \$625.00 along with a Fee Transmittal for the payment of the small entity fee for 25 additional claims over 20. Applicant concurrently submits a Petition for a Three-Month Extension of Time with the appropriate fees.

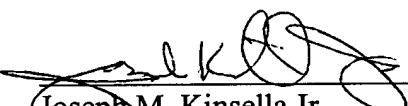
Based on the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance and requests passage to allowance of all pending claims.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.

Dated: May 2, 2005

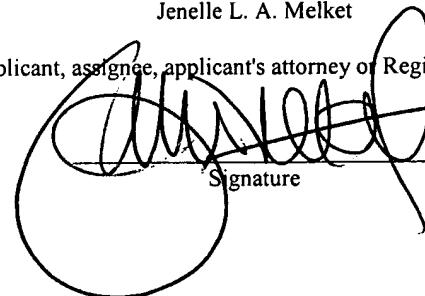
  
Joseph M. Kinsella Jr.  
One of Applicant's Attorneys

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Patent Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2005.

Jenelle L. A. Melket

Name of Applicant, assignee, applicant's attorney or Registered Representative

  
Signature